

**SEPTEMBER 16, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM OB-48

PURPOSE

To consider a site plan and stipulation amendment for Captain Ashok K. Sagar regarding rezoning application Z-114 of 2002 (Captain Ashok K. Sagar), for property located on the south side of Veterans Memorial Highway, east of North Allen Road in Land Lot 45 of the 18 District. *(Previously continued by Staff from the August 19, 2014 Board of Commissioners hearing)*

BACKGROUND

The subject property was zoned Light Industrial (LI) in 2002 to build a small warehouse and distribution facility on the property. The applicant brought the property back to the Board of Commissioners on October 15, 2013 under Other Business to amend some conditions to allow limited use of the property. The applicant would like further amend the stipulations which are:

1. Remove all stipulations that require parking to be to the rear building;
2. Allow the eastern driveway to remain open;
3. Remove the sign stipulation from the October 15, 2013 other Business approval (Bullet #6); and
4. Remove the landscaping stipulation from the October 15, 2013 other Business approval (Bullet #8);

If approved, all previous zoning stipulations would remain in effect.

STAFF COMMENTS

Water and Sewer: Connection to sanitary sewer required upon redevelopment.

Stormwater Management: All previous Stormwater Management comments to remain in effect.

Cobb D.O.T.: Georgia Department of Transportation permits required for all work that encroaches upon State right-of-way.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business application and stipulations.

OB-48

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 8-19-14

Applicant: Capt. Ashok K. Sagar Phone #: 678-778-7474
(applicant's name printed)

Address: 168 Veterans Memorial Hwy E-Mail: SAGAR908@Gmail.com

Ashok K Sagar Address: 168 VETERANS MEM. HWY
(representative's name, printed)

~~Signature~~ Phone #: Same E-Mail: same
(representative's signature)

Signed, sealed and delivered in presence of:

W. Renee Morris
Notary Public



My commission expires: 5/13/17

Titleholder(s): DCS OVERSEAS, LLC Phone #: 678-778-7474
(property owner's name printed)

Address: 168 Veterans Memorial Hwy E-Mail: SAGAR908@Gmail.com

~~Signature~~
(Property owner's signature)



Signed, sealed and delivered in presence of:

W. Renee Morris
Notary Public

My commission expires: 5/13/17

Commission District: 4 Zoning Case: 2-114 of 2002 + (OB.#6 10-15-13)

Date of Zoning Decision: 11-19-08 Original Date of Hearing: 10-15-08

Location: 168 Veterans Memorial Highway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 45 District(s): 18

State specifically the need or reason(s) for Other Business:
Amend zoning stipulations in order to use
the property

PROPOSAL
Z-114 OF 2002
STIPULATION AMENDMENT
8-19-14

#168 VETERANS
MEMORIAL HWY
MABLETTON, GA

FRONT DOOR

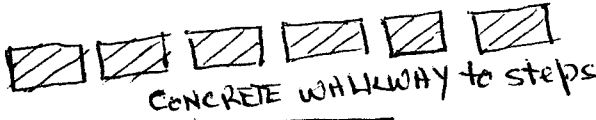


Big Tree



Tree

BIG SHRUB



PARKING 1

PARKING 2

Parking 3

ALL ASPHALT

Green Lawn

Green Lawn
(WITH FLORAL LANDSCAPING)

Post Box

ASPHALT

DRIVE OUT

DRIVE IN

CONCRETE EXTN (WILL REPLACE IT WITH ASPHALT?)

BACKUP + DRIVE CUT
FACING VETERANS.

EASEMENT TO BACK PROPERTIES

SIDEWALK

SIDEWALK

VETERANS MEM. HWY

Lane 1

Lane 2

Lane 2

MIDDLE LANE (TURN LANE)

Lane 2

Lane 2

VETERANS MEM HWY

Lane 1

FRONT LEFT PARKING

POINTS IN SUPPORT

- (a) Customer Friendly
- (b) Cost Effective + Quick to make
- (c) No 2nd CURB CUT REQUIRED
- (d) still leaves more than enough Lawn + saves Trees
And space FOR Landscaping

→ W

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APPLICATION NO. Z-114

ORIGINAL DATE OF APPLICATION: 10-15-02

APPLICANTS NAME: CAPTAIN ASHOK K. SAGAR

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 11-19-02 ZONING HEARING:

CAPTAIN ASHOK K. SAGAR for Rezoning from **R-20** to **LI** for the purpose of Warehouse/Distribution in Land Lot 45 of the 18th District. Located on the south side of Veterans Memorial Highway, east of North Allen Road.

The public hearing was opened and Mr. Parks Huff addressed the Board. During the presentation, Applicant's representative withdrew the request to use the existing house for commercial purposes. Following presentation and discussion, the following motion was made:

MOTION: Motion by W. Thompson, second by Askea, to **approve** rezoning to the **LI** zoning district subject to:

- no outdoor storage
- letters of agreeable stipulations from Mr. Parks Huff dated September 6, 2002 and October 30, 2002, *not otherwise in conflict* (copy attached and made a part of these minutes)
- existing house to be removed within twelve (12) months
- access to the property to be via a common entrance with the LI property to the west
- site plan to be approved by District Commissioner
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED** unanimously

Min. Ek. 21 Petition No. Z-114
Doc. Type Letter of Agreeable
Stipulations
Meeting Date Nov. 19, 2002

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064

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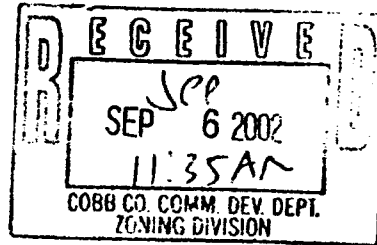
GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
M. KYLE GREENE
RICHARD A. HARRAH

OF COUNSEL
DAVID P. HARTIN

770.422.7016
TELEPHONE
770.426.6583
FACSIMILE

SAMSLARKIN@AOL.COM
E-MAIL

September 6, 2002



VIA HAND DELIVERY

John P. Pederson, Planner III
Cobb County Community Development Department
Zoning Division
191 Lawrence Street
Suite 300
Marietta, GA 30060-1661

Re: Rezoning Application for Captain Ashok Sagar, 168 Veterans Memorial Highway,
Mableton, Georgia (Z-114)

Dear John:

I have been retained by Captain Sagar regarding the above-styled rezoning application. As you know, he is requesting that a 1.289 acre tract be rezoned to the LI category for an import export warehouse.

Attached to this letter is a proposed site plan that has been prepared at the County's request. The applicant does not have any immediate plans to build the three additional warehouses. The applicant would agree to a stipulation by the County that in the development on this lot would be subject to site plan approval by the Board of Commissioners. In the immediate future, the applicant will only be using the existing house on the property for his office and minimal storage.

Additionally, attached to this letter is an agreement by Billy Culpepper, the adjoining property owner to our east stating that he does not require a buffer along his property. There was a precedent set for this waiver of a buffer requirement with Pioneer Import's approval last year on the property just to the west of the subject property. Presently, the applicant is approaching C. W. Couch for his written waiver of a buffer along his property line. He agreed to waive the buffer requirement with Pioneer Import. Please contact me if any additional information is need for this rezoning application

Sincerely,

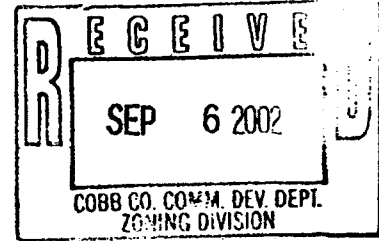
SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read "Parks F. Huff".

Parks F. Huff

PFH/lmb
Enclosure

Petition No. Z-114
Meeting Date Nov. 14, 2002
Continued



To Whomsoever It May Concern

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Dear Sir or Madam,

Capt. Ashok K. Sagar, who is the owner of #168 Veterans Memorial Highway Mableton Georgia, 30126 and is my next-door neighbor, has informed me that he has applied for rezoning of his property to light industrial category / *General Commercial*.

This is to certify that I the undersigned have no objection whatsoever if Capt. Ashok Sagar does not leave any buffer zone (side-yard setback) between my property and his, reference rezoning of his property to light industrial / *General Commercial*.

MANAGER (Billy Culff) *Americul LLC*

Add: 178 Veterans Memorial Hwy.
Mableton Georgia, 30126
Tel: 404-2134162

8-14-02

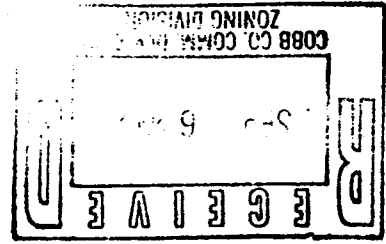
Attn: Zoning Office, Cobb County Georgia.

Petition No. 2-114
 Meeting Date Nov. 19, 2002
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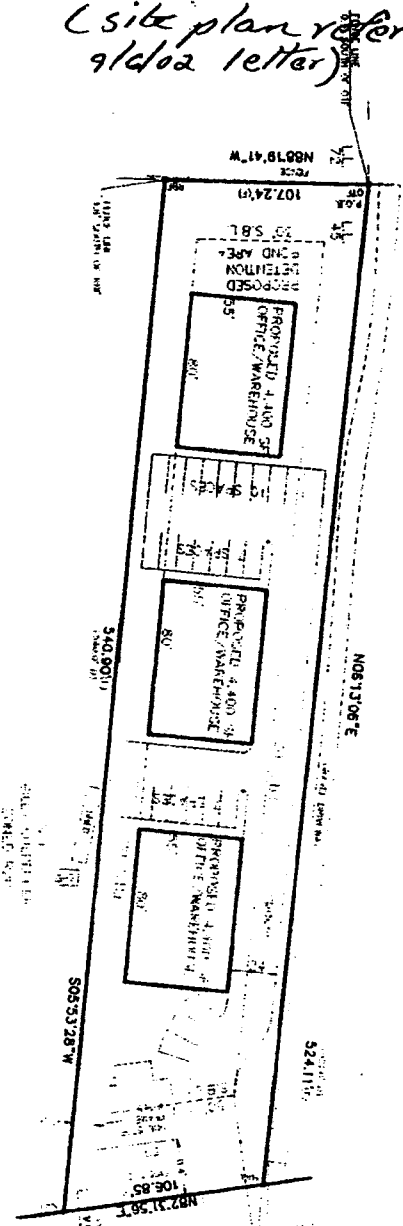
(site plan referenced in 9/1/02 letter)

C. W. COUCH
 ZONING U

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TOTAL ACERAGE = 1.289 ACRES



PETERAN'S MEMORIAL HIGHWAY
 (90' R/W)

OWNER/OWNER'S AGENT:
 THE COUNCIL ON COMMUNITY DEVELOPMENT
 2702 JEFFERSON STREET, SUITE 100
 AUSTELL, GEORGIA 30168
 PHONE: (770) 421-1122
 FAX: (770) 421-1122

<p>REZONING PLAN FOR ASHOK SAGAR COBB COUNTY, GEORGIA 15TH DISTRICT</p>	<p>PREPARED BY: TATE ENGINEERING & SURVEYING, INC. ENGINEERS LAND SURVEYORS 2702 JEFFERSON STREET, SUITE 100 AUSTELL, GEORGIA 30168 TEL: 770-732-0270 FAX: 770-732-0488</p>		<table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION									
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SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064

Min. Bk. 21 Petition No. 7-114
Doc. Type Letter of Agreeable
Stipulations
Meeting Date Nov. 19, 2002

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GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
M. KYLE GREENE
RICHARD A. HARRAH

OF COUNSEL
DAVID P. HARTIN

October 30, 2002

770.422.7016

TELEPHONE

770.426.6583

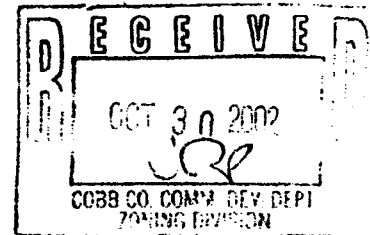
FACSIMILE

SAMSLARKIN@AOL.COM

E-MAIL

VIA HAND DELIVERY

John P. Pederson, Planner III
Cobb County Community Development Department
Zoning Division
191 Lawrence Street
Suite 300
Marietta, GA 30060-1661



Re: Rezoning Application for Captain Ashok Sagar, 168 Veterans Memorial Highway, Mableton, Georgia (Z-114)

Dear John:

As you know, I represent Captain Sagar in regards to the above-captioned application for rezoning that is on the Planning Commission's agenda for November 5, 2002. After discussions with staff, my client is willing to agree to certain stipulations that would attach to the zoning.

1. The existing house would be used as a showroom, administrative office and for limited storage until the additional warehouses were built.
2. The house will retain its residential character until these warehouses are built.
3. Parking for the residential structure will be located to the rear of the structure so as to limit the visibility from the road and maintain the residential appearance of the house.
4. Upon the construction of the warehouse facility, the residential structure will be removed.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

John P. Pederson, Planner III
Cobb County Community Development Department
Zoning Division
October 30, 2002
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Petition No. 2-114
Meeting Date Nov. 19, 2002
Continued

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5. The side that faces Veterans Memorial Highway for the new warehouse facility shall be brick and consistent with the style of the Atlanta Wholesale Warehouse which is located across Veterans Memorial Highway from the subject property.

I trust that these stipulations will address the concerns of the staff and the Planning Commission relating to the rezoning of this property. Please contact me if you have any additional questions or concerns.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff

PFH/dkc

cc: Captain Ashok Sagar

ORIGINAL DATE OF APPLICATION: 10-15-02APPLICANTS NAME: CAPTAIN ASHOK K. SAGAR

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 10-15-13 ZONING HEARING:

**OTHER BUSINESS ITEM #6 – TO CONSIDER A STIPULATION AMENDMENT FOR
CAPTAIN ASHOK K. SAGAR REGARDING REZONING APPLICATION Z-114 OF
2002 (CAPTAIN ASHOK K. SAGAR)**

To consider a stipulation amendment for Captain Ashok K. Sagar regarding rezoning application Z-114 of 2002 (Captain Ashok K. Sagar), for property located on the south side of Veteran Memorial Highway, east of North Allen Road in Land Lot 45 of the 18th District.

Mr. Pederson provided information regarding a stipulation amendment to allow the existing house to remain on the property. The public hearing was opened and Captain Ashok Sagar, Ms. Robin Meyer, and Mr. Andrew Chung addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Ott, to **approve** Other Business Item No. 6 for stipulation amendment regarding application Z-114 of 2002 (Captain Ashok K. Sagar), for property located on the south side of Veteran Memorial Highway, east of North Allen Road in Land Lot 45 of the 18th District, **subject to:**

- Existing house may remain until redevelopment of property
- Applicant to close eastern driveway and provide parking off the western driveway
- Per the plan provided as part of Z-114 of 2002, the Applicant is to provide at least three paved parking spaces to the rear of the existing building; per subsequent agreement with Code Enforcement contained in the letter from Mr. Jerry Lanham dated May 28, 2013 (attached and made a part of these minutes), the parking to be completed by April 1, 2014; the additional parking should be accompanied by a sufficiently paved area that will allow all vehicles leaving the property to back up and turn around (to eliminate vehicles backing out onto Veterans Memorial Highway); the paved parking area shall be striped and up to commercial standards; the existing driveway to be removed once the new driveway is put in place
- No vehicle parking shall be permitted on any unpaved or non-hardened surface at any time per the above referenced letter from Mr. Jerry Lanham dated May 28, 2013
- Upon redevelopment, access to the property shall be through a common entrance with LI property to the west as provided in Z-114 of 2002
- By April 1, 2014, a sign identifying the business name shall be installed in its entirety; the design for the sign shall be approved by the District Commissioner and be consistent with the Sign Ordinance unless a Variance is obtained
- No outdoor storage shall be permitted

ORIGINAL DATE OF APPLICATION: 10-15-02

APPLICANTS NAME: CAPTAIN ASHOK K. SAGAR

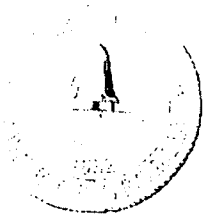
THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 10-15-13 ZONING HEARING:

**OTHER BUSINESS ITEM #6 – TO CONSIDER A STIPULATION AMENDMENT FOR
CAPTAIN ASHOK K. SAGAR REGARDING REZONING APPLICATION Z-114 OF
2002 (CAPTAIN ASHOK K. SAGAR) (Continued)**

- A plan for additional landscaping in front of the existing house shall be submitted to the District Commissioner and County Arborist within 60 days of this approval
- The weed ordinance shall apply to the site
- The house may retain its current paint color as long as it is properly maintained without significant fading or deterioration; in the event that the paint is not adequately maintained or that the color is changed, the new color must be approved by the District Commissioner
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: **ADOPTED** unanimously



COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY

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P.O. Box 649
Marietta, Georgia 30061-0649
(770) 528-2180 • fax: (770) 528-2092
jerry.lanham@cobbcounty.org

Jerry Lanham, CCEA
Code Enforcement Division Manager

Min. Rk. 70 Petition No. 086
Doc. Type letter
Meeting Date 10/15/13

May 28, 2013

Captain Ashok K. Sagar
168 Veterans Memorial
Mableton, GA 30126

Captain Sagar I appreciated meeting with you on April 1, 2013 to discuss the issues of concern related to your property. The following dates were agreed to during the meeting for you to take some corrective actions on your property to prevent further code enforcement violations on your property and assist you in placing your property in compliance with all county requirements and codes.

On 5/1/13 by the end of the day impervious surface for parking shall be completed which will add a four to six feet length to the existing driveway to allow two cars to park on the property. Code Enforcement verified on 6/2/13 the existing drive area was extended. This issue is now considered complete.

On 6/15 /13 by the end of the day the driveway is to be barricaded to prevent illegal parking, turnarounds and dumping on the property. The type/style of barricade is to be approved by Commissioner Cupid prior to installation. Please communicate with Commissioner Cupid's office as soon as possible with your barricade detail plans as this date is soon approaching.

If the driveway extension was completed by 5/1/13 you would be allowed up to 12 months or until 4/1/14 to permit and install the parking area and new driveway as approved site specific on the approved document of Z-114 of 2002. The existing driveway would need to be removed upon completion of the approved new driveway and new parking spaces located to the rear of the home. On 6/2/13 Code Enforcement verified the existing driveway extension which provides you until 4/1/14 to install the new driveway and parking area to the rear of the house.

Failure to meet the 5/1/13 deadline would have resulted in you only being allowed 6 months until 10/1/13 to permit and install the new parking spaces and new driveway as approved site specific on the approved document of Z-114 of 2002. The existing driveway would need to be removed upon completion of the approved driveway. This point is no longer applicable as you complied with the driveway extension as verified on 6/2/13.

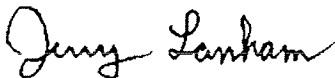
Petition No. 086
Meeting Date 10/15/13
Continued

You were made aware of the history of repeated violations at the property during the meeting and you agreed you would not park vehicles on the property unless the vehicles were on hardened surfaces and that no signage was to be installed without first obtaining a permit. The sign installation will be required to meet all ordinance requirements for signage as adopted and approved by Cobb County. You can contact the sign permit office @ 770-528-2186 for further details.

You were informed the existing house/business would need to be addressed with Commissioner Cupid's office for support as an item for Other Business in an open zoning hearing to continue the current use.

In addition Captain Sagar you need to address as necessary and obtain a legal Certificate of Occupancy required by all Cobb County businesses by obtaining a permit application for a Move in Certificate of Occupancy. You can contact Structural Plan Review @ 770-528-2071 and the Fire Marshal's office at 770-528-8312 for more details on the process. This only needs to be completed if the continued use of the home is approved in Other Business at the open zoning hearing.

Sincerely,



Jerry Lanham

Cc: Commissioner Lisa Cupid
Saleemah Johnson
Rob Hosack
John Pederson